



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named

Inventor : Christopher M. Anderson

Appln. No. : 10/721,929

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Title : SOLAR ELECTROLYSIS POWER CO-
GENERATION SYSTEM

Docket No. : U74.12-0068

Group Art Unit: 1795

Examiner: Barton, Jeffery
Thomas

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. 1.181**

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SENT VIA EXPRESS MAIL
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Fee Status

No fee is required.

Petition

This is a Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. 1.181(a). The application was deemed abandoned due to Applicant's failure to timely file a reply to an Office Action mailed on September 19, 2007. However, the Office Action of September 19, 2007 was never received by the attorney of record, Kinney & Lange, P.A.

Power of Attorney for this application was originally given to Shimokaji & Associates, P.C. of Irvine, CA. The offices of Shimokaji & Associates, P.C. was also designated the correspondence address of record. A subsequent Power of Attorney was filed on July 20, 2007, which appointed Kinney & Lange, P.A. and specified that all future correspondence should be addressed to the offices of Kinney & Lange, P.A. The Power of Attorney of July 20, 2007 was also accompanied by a Response to a Restriction Requirement filed by David R. Fairbairn of Kinney & Lange, P.A. Both the Power of Attorney and the Response were entered in PAIR. However, the appropriate change was not made to the

correspondence address of record. Therefore, the Office Action of September 19, 2007 was not mailed to Kinney & Lange, P.A. Instead, it was mailed to the offices of Shimokaji & Associates, P.C. Kinney & Lange, P.A. was not notified of its receipt. In May, Shimokaji & Associates, P.C. received a Notice of Abandonment. Shimokaji & Associates, P.C. did not notify Kinney & Lange, P.A. of its receipt of either the Office Action of September 19, 2007 or the Notice of Abandonment. In fact, Kinney & Lange did not become aware that the application had been deemed abandoned until recently when correspondence in a related case was received requiring a terminal disclaimer. Upon checking the file, it was discovered that no Office Action had been received. Further investigation on PAIR revealed that the application was deemed abandoned.

When Kinney & Lange, P.A. receives an Office Action by mail, the Office Action is stamped with the applicable date and its receipt is immediately entered into a mail log, which includes the serial number of the application, the filing date of the application, the PTO date and a notation that the correspondence received was Office Action. (Bulmer Decl., ¶ 4.) A review of Kinney & Lange, P.A. mail log dating from September 19, 2007 to October 19, 2007 confirms that there is no entry to indicate that Kinney & Lange, P.A. received the Office Action of September 19, 2007. (Bulmer Decl., ¶ 5.) A copy of Kinney & Lange, P.A.'s mail log dating from September 19, 2007 to October 19, 2007 is attached to this Petition as Exhibit A. (Bulmer Decl., ¶ 6.) After the Office Action is properly recorded in the mail log, it is then docketed in the master patent docket, which includes the application number, the application title, the client name, the attorney docket number, the mailing date of the Office Action and the due date for the response. (Bulmer Decl., ¶ 10.) A search of Kinney & Lange, P.A.'s master patent docket confirms that no entry indicates that the action date for the Office Action of September 19, 2007 was docketed. (Bulmer Decl., ¶¶ 11 and 13.) A copy of the search results from Kinney & Lange, P.A.'s master patent docket showing that there were no cases having actions due on December 19, 2007 is attached to this Petition as Exhibit B. (Bulmer Decl., ¶ 12.) A search of Kinney & Lange, P.A.'s records, including the file jacket of Kinney & Lange, P.A. file U74.12-0068 and the application's contents, confirms that the

Office Action was not received. (Bulmer Decl., ¶ 14.) It has, therefore, been concluded that the Office Action of September 19, 2007 was not received by Kinney & Lange, P.A. (Bulmer Decl., ¶ 15.)

Therefore, as described above, pursuant to the Power of Attorney filed on July 20, 2007, the offices of Kinney & Lange, P.A. was the requested correspondence address of record. However, since the appropriate change was not made, the Office Action of September 19, 2007 was mailed to the original correspondence address of record (Shimokaji & Associates, P.C.). Due to this error, Kinney & Lange, P.A. did not receive the Office Action. As such, Applicant respectfully requests that the holding of abandonment be withdrawn and that the Amendment accompanying this Petition be considered.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date:

7/30/08

By:

DRF

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